

Date: May 20, 2003

To: Property Owners/Management Agents
MHFA Portfolio - Section 8 Contract Administration
HUD Portfolio – Section 8 Contract Administration

From: MHFA Multifamily Division

Subject: **Health Insurance Portability and Accountability Act Compliance (HIPAA)**

The Health Insurance Portability and Accountability Act Compliance of 1996 (HIPAA) went into effect on April 14, 2003. There are many provisions of HIPAA and therefore HIPAA means different things to different people/agencies.

The Minnesota Housing Finance Agency (Agency) has reviewed the information contained in HIPAA and has determined that programs that use medical information of applicants/tenants are indirectly affected in that requests for medical information must be made in a way that permits individuals from who the information is requested to comply with HIPAA.

The privacy rules for HIPAA prohibit “covered entities,” i.e., those individuals and entities from which owners may request medical information, from releasing medical information without an appropriate authorization. Standards for the authorization are contained in 45 CFR part 164, specifically, § 164.508.

A sample authorization form has been enclosed; you are not required to use this particular form. However, any authorization form you develop must be in compliance with the about referenced section of the CFR. This authorization form must be used in conjunction with the medical verification forms that contain HUD’s mandated Warning and Permission for Release of Information statement. It may also be necessary to have the applicant/tenant sign a form specific to the information being requested by specific “covered entities”.

If you need additional assistance please contact:

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